

## WHITMAN NOT CALLED OFF

GOVERNOR SAYS NOBODY EVEN SUGGESTED IT TO HIM.

Criminal Inquiry Into Carnegie Trust Co. to Begin on Monday Before the Grand Jury. Dix's Letter Said to Have Been Forwarded in Harbors Before Delivery.

Gov. Dix said yesterday that in writing to District Attorney Whitman requesting Mr. Whitman to confer with Attorney-General Carmody in matters pertaining to the Carnegie Trust Company he had no intention of ordering the District Attorney to turn over to the Attorney-General the criminal investigation into the downfall of the trust company. Mr. Whitman will take the case before the Grand Jury on Monday. The testimony already taken concerns the transactions of Directors W. J. Cummins, Joseph B. Neumann and Lister L. Lewis and of a city official.

The Governor believed, he said yesterday at Albany, that State officers should be consulted in regard to matters pertaining to their departments, and since the State had on deposit with the Carnegie Trust Company \$170,000 when the institution failed it occurred to him to suggest to the District Attorney unofficially that it would be a good idea to talk over with Attorney-General Carmody the present status of the concern's affairs.

Gov. Dix said that he had received no request from Mayor Gaynor or from anybody else that the Attorney-General be put in charge of the investigation and that his letter to Mr. Whitman was written entirely on his own initiative. Here is the unsealed note that he wrote last Tuesday and handed to Prof. Charles A. Collin, one of his legal advisers, to deliver to District Attorney Whitman:

DEAR SIR: Will you please confer with Attorney-General Carmody in the matters pertaining to the Carnegie Trust Company? Very truly yours, JOHN A. DIX.

On Wednesday the District Attorney sent this reply to the Governor:

I write to acknowledge the receipt of your letter of March 7 from which I quote, "Will you please confer with Attorney-General Carmody in the matters pertaining to the Carnegie Trust Company?" This communication was handed to me at my home in the Hotel Iroquois, this city, by Stephen C. Baldwin of Brooklyn late last night. I have arranged to confer with Attorney-General Carmody at his office in the Capitol tomorrow, March 9.

The next thing was the publication on Thursday morning of a long article alleging that the District Attorney had been "supplanted by Carmody in Carnegie Trust probe by Gov. Dix's order" and that the conspirators who had brought this about were jubilant.

Asked yesterday why the unsealed letter had been delivered to the District Attorney by Mr. Baldwin, who is Mayor Gaynor's counsel and who also represents Director W. J. Cummins of the Carnegie Trust Company, instead of by Prof. Collin, Gov. Dix said that District Attorney Whitman had told him and John A. Mason, the Governor's secretary, that his explanation of it was that Prof. Collin had entrusted the letter to Mr. Baldwin, knowing that Mr. Baldwin was a friend of Mr. Whitman and would see him probably before Prof. Collin could have the opportunity. The Governor said he hadn't thought of calling on Prof. Collin for any explanation and that Prof. Collin in courtesy would volunteer an explanation if the facts seemed to call for it.

The story going the rounds is that previous to the appearance of Mr. Baldwin at Mr. Whitman's apartment Gov. Dix's note was shown to and read by at least a dozen persons who were in the Holland House safe. Later Mr. Collin and Mr. Baldwin are said to have been seen together in the Hotel Belmont, which is only a few blocks from the Iroquois, and when the note was delivered late that night to Mr. Whitman Mr. Baldwin is said to have slapped him on the shoulder and said:

"Well, Charley, you've done pretty well so far, but I guess that will hold you."

Whitman when he returned from Albany last night declined to discuss the conditions under which he received the note further than to say that it was handed to him by Mr. Baldwin, with whom he was slightly acquainted. Mr. Whitman said that he had never seen Mr. Collin in his life.

Following up his reply to the Governor Mr. Whitman arrived in Albany yesterday morning and had a talk with the Governor and with the Attorney-General. After the conference in the Executive Chamber the Governor said the District Attorney had no criticism to make and had expressed his thanks to the Governor for the Governor's interest in the matter.

"I am assured by both Mr. Carmody and the Governor that there is no discussion on the part of either of them to interfere with my investigations. In fact the Governor went so far as to say to me that the Attorney-General was to be allowed to handle my case in any way. As a result of my interview I feel that I am at perfect liberty to continue my work exactly as I had intended, without any hindrance or interference from the Attorney-General except in matters in which the State is directly interested. I shall go on with the work assured that I will be allowed a free hand. I expect very important results to be obtained from the Carnegie Trust matter within a very short time. So far as the Albany Trust Company goes, it is only fair to say that the investigation into the matter is far from complete. The last clause of the Carnegie Trust Company that has been published, insinuation that Gov. Dix had been moved by his personal interest as a stockholder in the Albany Trust Company.

The Attorney-General after his talk with the District Attorney issued the following statement:

There was no conflict of views of authority or of policy between us in respect to the Carnegie Trust Company. The District Attorney has absolute control over the enforcement of the criminal law in its application to this company, as well as other persons or corporations under his jurisdiction. The questions arise in suggestion in our conference or before me from any source, to my knowledge, that I should in any way interfere with the attention to the powers of the District Attorney to suggest any action different from what might appear to him to be proper. There were no matters arising which may have been referred to the duties of my office and which have been a subject of correspondence but which do not at this time concern the public.

I am officially interested in having the financial affairs of the trust company properly adjusted and of having the interests of depositors, especially of the insured and State funds, safeguarded. The State had on deposit with the company about \$170,000 at the time of its failure. The State collected almost immediately after the failure, by promissory notes, nearly \$100,000 of this amount. The balance was being sought to recover. We are, therefore, interested in the conservation of the assets.

William Hyde, one of the contributors in the original narrative, was in Albany yesterday, on what errand he did not say.

Gov. Dix, speaking to the newspaper men at the Casino last night, where he attended a dinner of the North Side Casino, said, rejoiced that he had

sent the letter to Mr. Whitman solely on his own initiative. This was in answer to a volley of questions asking how it was that Gov. Dix had suggested the cooperation of the Attorney-General.

"I sent the letter on my own initiative," he said. "In it I asked Mr. Whitman to consult with the Attorney-General. I had no intention of causing Mr. Whitman to be superseded. The State had money in the Carnegie Trust Company, and it seemed proper to me to have the State law department represented through the Attorney-General, the head of it."

Gov. Dix was asked why the letter didn't go directly from him to Mr. Whitman. He said that he had expected that it would go directly to him. "But Mr. Whitman told me," he went on, "that the letter had been brought to him by Mr. Baldwin. I do not know Mr. Baldwin."

Mr. Whitman said last night that the matter of the Carnegie Trust Company would no doubt be taken before the Grand Jury on Monday. He had intended that the Grand Jury be placed in possession of information obtained in the District Attorney's investigation not later than last Wednesday. The note of the Governor and the District Attorney's trip to Albany, however, interrupted the proceedings. He said last night that he was flabbergasted almost on Tuesday night when he received the communication from the Governor. He did not understand the purport of the note at all, but did not at once decide to go to Albany to confer with the Governor as to its real meaning.

After the fifteen minute conversation that he had had with Gov. Dix he was satisfied that there would be no interruption of the investigation made by the District Attorney's office into the affairs of the Carnegie Trust Company. Mr. Whitman denied emphatically that he had ever been told by bank officials that the investigation would have to stop.

Mr. Whitman said he would not be called upon to confer with the Attorney-General except on such matters as might arise in the interests of the State, Mr. Carmody being interested simply in the banks that were acting as State depositories.

The result of the conference in Albany is, as was made plain by all the conferees, that Mr. Whitman will not be hampered in his efforts to punish any persons who may have used the Carnegie Trust Company to feather their own nests in violation of the criminal statutes. A great many persons, are, however, primarily interested in getting their money out of the broken trust company. They are using all efforts to realize on the assets of the concern and they consider William J. Cummins, the Nashville merchant who took charge of the concern after the passing of C. C. Dickinson, as a valuable factor in realizing assets.

## OLIVE BRANCH TO CORNELL MEN

Chief of Police of Ithaca Extends It in a Published Statement.

ITHACA, March 9.—In spite of the hostilities between the Cornell students and the Ithaca police force, which culminated about a month ago in a riot and pitched fight in which the officers used their clubs and a number of heads were cracked, the Ithaca police are not out to "get" the students and the olive branch has been extended by Chief Edward H. Buck, who makes an appeal to the students in a statement in a Cornell publication. He says in part:

"Naturally, students form the opinion that the police are ready to nab them at any time, especially following an occurrence like that of February 4. But such is not the case. The police have to do their duty and to protect the rights of citizens, as well as property.

"I don't know as I can name a single member of the department who has any desire to arrest a student merely because he is a student. Officers don't wear uniforms to carry out personal spite, and they don't carry batons or clubs for the purpose of bullying any one. They wear these outfits as officers of the law. Oftentimes in performing their duties officers are called upon to act as butchers for some and in some instances their relatives.

"A man is a man whether he is a student or laborer, and the police are no more ready to arrest a student than they are a laborer. According to the reports of my men, great many students are sent to their rooms instead of being arrested. That is all I can say. I am sure that the police body would tend to stop the talk that the police are always ready to clash with students and that in order to protect their reputations the police have to resort to rioting now and then.

"I think that if the upper class men could impress on the minds of the under class that the police are police and not bullies, that the police and the members of the police department and the university is friendly and that only the best of feeling ought to prevail, a great deal of trouble would be avoided.

"Students have a right to enjoy their fun, although I would like to state at this time that fun should be carried out to such an extent that any one would be injured or arrested. It is not pleasant for officers to arrest persons and to apply against them in court, although necessary at times. The best of feeling ought to prevail among students and the police, and I am sure it does."

## BERKELEIMER GUILTY.

The Second of Jones's Assaults Will Be Sentenced on Monday.

Lewis Berkeleimer of 310 East Forty-seventh street, Manhattan, was convicted of assault in the second degree by a jury before County Judge Fawcett in Brooklyn yesterday afternoon. George Lewis, alias Aaron Lieberman of 95 Cannon street, who was implicated in the same assault, is now serving five years in Sing Sing.

William Jones, a lightweight fighter, was attacked by Berkeleimer and Lewis at Coney Island last summer and slashed with a razor because he resented an attempt by them to flirt with his wife. It developed yesterday that Jones has been indicted for assault on the woman and he has been forced to find employment elsewhere. Jones is now in the hands of the police. The last clause of the indictment referred to the "influences" that Berkeleimer will be sentenced on Monday.

## RAN OFF WITH DOCTOR'S SHOES.

Servant From Whose Hands He Snatched Them Followed Hard After.

William Brown, a negro, forced his way into the kitchen of the home of Dr. Reginald H. Sayre at a East Forty-fifth street last night and stole a pair of the doctor's shoes from the hands of a maid servant. The negro ran from the house down Forty-fifth street to Fifth avenue and into the arms of a detective, the maid servant close upon his heels.

He was arraigned in the night court and Magistrate Herrman held him in \$500 for examination.

The maid told the Magistrate that the negro had asked for food and when told he would get none there had snatched the shoes.

## SIX PER CENT. BONUS FOR HARD COAL MINERS.

For their work during the month of February, 1911, the mine workers in the anthracite region of Pennsylvania received an increase of six per cent. on the rate of wages fixed by the Anthracite Strike Commission of 1902. The increase is applied to the March payroll. This bonus is in accord with the commission's decision that in addition to the general advance of one per cent. for the year, for every advance of 5 cents in the average tide-water price of the domestic sizes of coal. As the strike ended the mine workers to a per cent. more pay for the month. The increase applies to all classes of employees.



## Why Not Now?

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## JOHN S. MACKAY A SUICIDE.

Hackensack Lawyer Kills Himself in Hotel Here.

John Mackay, formerly assistant prosecuting attorney of Hackensack, N. J., killed himself on Wednesday night in the Vanderbilt Hotel, Lexington avenue and Forty-second street, by gas.

Mr. Mackay registered at the Vanderbilt on Wednesday afternoon. Yesterday morning at 10 o'clock Walter Clune, brother of the proprietor of the hotel, traced a smell of gas to Mackay's room on the third floor. The door was locked and Clune forced it. Dr. Baer from Flower Hospital said that Mackay had been dead for several hours.

On the bureau was a stenographer's notebook, which contained farewell messages written to his wife Grace and to his brother William. The letter to his wife read:

MY DEAR BELOVED WIFE: Having failed in everything, I lost my nerve completely. Therefore I decide to end my earthly sufferings. God forgive me and God bless you and Gilbert. Take care of him, dearie. My mind seems to have given way under the severe strain which I have been laboring under for some time. I have left a note to the family, but I cannot help it. I am sorry to bring this disgrace on you and the family, but I cannot help it. I saw no way to avoid it. My mind seems to have broken down.

Regards to all and the baby. Hope that you will get along all right. My will papers are all in the safe except those I have in my pocket.

Take care of Grace. Give my love to Pa and Ma and brothers and sisters.

I am sorry to bring this disgrace on you and the family, but I cannot help it. I saw no way to avoid it. My mind seems to have broken down.

Regards to all and the baby. Hope that you will get along all right. My will papers are all in the safe except those I have in my pocket.

HACKENSACK, N. J., March 9.—John S. Mackay, who was found dead in the Vanderbilt Hotel, New York, this morning, was a member of the law firm of Mackay & Mackay, Hackensack.

His brother, William B., was told of the suicide over the telephone by the New York Coroner, but seemed to anticipate the blow, for John S. Mackay had been missing since last Monday, when he left here to attend the Chancery Court in Jersey City.

The dead man was about 38 years old and leaves a widow and one small child. He served as Assistant Prosecutor for a few years under the late Prosecutor, Ernest Koester, and he firmly believed he was to succeed the latter. But Senator Wakelee named his law partner, Wendell J. Wright, for the place. This was a keen blow to Mackay.

Last fall he was an independent candidate for Register of the county, but was defeated at the primary and became the regular Republican nominee. His campaign was a costly one and his defeat caused him no end of concern.

## YEAR IN JAIL FOR FIRST MATE.

Smuggler. It Is Said, Will Give State Evidence Against Drug Concerns.

William Rind, first officer of the steamship St. Paul of the American Line, who was convicted last Tuesday of smuggling in the United States Circuit Court, was sentenced yesterday by Judge Hough to serve a year in the penitentiary on Blackwell's Island. Although Rind was indicted only for smuggling in three diamond rings valued at \$500, it came out during the trial that he had also been engaged in smuggling in various drugs, including cocaine. It is understood that Rind is going to make a confession and that certain drug houses in this city may be implicated.

## Yellow Fever in Mexico.

AUSTIN, Tex., March 9.—The State Health Department was to-day advised by its inspectors in Mexico that yellow fever has made its appearance in that country. A stringent quarantine will be established by the State against the infected places.

## Henry Gerken, Jr., Bankrupt.

Henry Gerken, Jr., proprietor of Ridgewood Grove, Evergreen, yesterday filed a voluntary petition in bankruptcy in the United States Court in Brooklyn. The liabilities are \$8,149.90 and the assets \$23.

## LEVIEAN HART FLEECED.

Young American in Paris Robbed by Card Sharp of \$52,000.

Special Cable Dispatch to THE SUN. PARIS, March 9.—Three well known Italian crooks were arrested here to-day on a charge of having robbed a young American of the name of Leviean Hart of 280,000 francs, about \$52,000, by crooked play at cards. After he had lost the money young Hart, who is pursuing commercial studies in Paris, telegraphed to his grandmother, who is visiting in Switzerland, saying that he had been robbed by three Italian counts and asking her for money.

The grandmother warned the French police, who arrested the trio on a description furnished by the young man. The "counts" turned out to be crooks who are well known at several gambling clubs as swindlers. Devices for holdups and crooked card playing were found in their rooms.

Paris and London, according to the story, have been the centres of secret activity of the Portuguese monarchial party. There have been meetings of King Manuel's adherents in both cities during the last week. At two of these meetings those present pledged themselves to support an attempt to restore the monarchy.

The Republican Government of Portugal, the *Pall Mall Gazette* says, has been informed of these meetings, but the view expressed officially is that the Government is so firmly established that no plot which is likely to be successful can rely on the support of the army and navy, which placed the present authorities in power. The adherents of King Manuel, however, express the belief that the army and navy could easily be swayed.

It is asserted also that King Manuel has a powerful following, not only among noble Portuguese families but among the peasantry, which is largely under the influence of the Roman Catholics.

It has been supposed in some quarters, says the newspaper, that the monarchial party is hampered by lack of sufficient funds for so great a movement; but it funds are lacking there are those in Brazil who are ready and willing to come to the aid of the adherents of King Manuel.

In reference to the foregoing a despatch from Lisbon to-day reports the arrest of Dr. Arthur Vieira Faria on his arrival aboard the steamship Aragon from Brazil. He, it is alleged, is the representative of the plotters at Rio Janeiro and was going to Vigo to meet others connected with the affair. It is reported that important documents were seized and that they confirmed the existence of a widespread conspiracy for the overthrow of the republic. The chief centres of the conspiracy are said to be at London and Vigo. It is alleged that it is the intention of the conspirators to assassinate the present Ministers and reestablish the monarchy.

## MOROCCO'S REVOLUTION.

Sir Edward Grey Tells House of Commons the Situation Is Serious.

Special Cable Dispatch to THE SUN. LONDON, March 9.—Replying to a question in the House of Commons to-day as to the report of a rebellion in Morocco against Sultan Muley Hafid, Sir Edward Grey, the Secretary for Foreign Affairs, said the Government had learned from Tangier that the tribes around Fez had revolted against the Government. The situation, according to his reports, was serious.

Russian Delegates to Fisheries Conference.

Special Cable Dispatch to THE SUN. ST. PETERSBURG, March 9.—The names of the Russian delegates to the conference on the seal fisheries at Washington next month were announced to-day. They are Baron Rosen, the Russian Ambassador at Washington; Baron Nolde, councillor of the Russian Foreign Office, and M. Branjikoff, who was the technical delegate to the Russo-Japanese fishery conference.

## MICHIGAN REFUSES ZACH CHANDLER PLACE IN HALL OF FAME.

LANSING, Mich., March 9.—A bill appropriating \$15,000 for a statue of Zach Chandler in the Hall of Fame at Washington was defeated to-day in the Senate, falling just two votes short. Needed economy was the excuse given by the Republican members who voted against it.

## PLOT TO AID KING MANUEL?

ENGLISH REPORT OF PLAN TO RESTORE HIM TO THRONE.

Dr. Faria Said to Have Been Arrested on Arrival From Brazil With Incriminating Documents Showing a Conspiracy.—The Royalists Become Active.

Special Cable Dispatch to THE SUN. LONDON, March 9.—The *Pall Mall Gazette* says it understands that a strong movement is on foot to restore King Manuel to the throne of Portugal. The supporters of the movement hope to effect the restoration peacefully, but in any event are determined to make the attempt when they consider the moment ripe to begin. It is possible, the paper says, that nothing will happen until after the election in Portugal next month, but there are signs that a political volcano may burst forth at any moment.

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It is asserted also that King Manuel has a powerful following, not only among noble Portuguese families but among the peasantry, which is largely under the influence of the Roman Catholics.

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## FIVE NEW DREADNOUGHTS.

English Naval Estimate Sufficient to Provide for That Number.

Special Cable Dispatch to THE SUN. LONDON, March 9.—The naval estimates for the year have been made public. They show a total of \$221,000,000, an increase of \$19,000,000. The total includes a sum sufficient to provide for the building of five new Dreadnoughts.

Provision is also made for four cruisers, twenty destroyers, six submarines, four miscellaneous ships and an addition of 500 sailors to the personnel.

English Man Suffragette in Jail.

Special Cable Dispatch to THE SUN. LONDON, March 9.—H. A. Franklin, the suffragette sympathizer who was sent to jail for six weeks for striking Home Secretary Churchill with a dog whip on Nov. 28 last and who was arrested yesterday for hurling a stone through a window at the residence of the London house of the Home Secretary, was arraigned in Bow street police court this morning. He refused to give bonds to keep the peace and was sentenced to one month's imprisonment.

## Michigan Refuses Zach Chandler Place in Hall of Fame.

LANSING, Mich., March 9.—A bill appropriating \$15,000 for a statue of Zach Chandler in the Hall of Fame at Washington was defeated to-day in the Senate, falling just two votes short. Needed economy was the excuse given by the Republican members who voted against it.

## TO STOP FAITH HEALING.

Reichstag Committee Will Recommend a Bill to Prohibit It.

Special Cable Dispatch to THE SUN. BERLIN, March 9.—The Reichstag committee which has been preparing a bill to suppress medical quackery has decided to recommend one forbidding the practice of faith healing or spiritualistic or other mystic treatment of the sick for pay or when the efficacy depends upon a claim of the possession of miraculous powers.

Magnetism was exempted.

Discussion of the proposed measure revealed an amazing credulity and superstition on the part of members of the committee. An agrarian member of the Reichstag who disavowed a belief in divine answers to prayer solemnly declared that he had seen in an experience of more than thirty years many cases of both men and animals cured of diseases by incantation. As if to prove his statement he added that the reciters of the incantation sometimes grew violently ill under the stress of excitement.

Another member affirmed that he had seen hemorrhages stopped by conjuration. A member of the Clerical party objected to the proposed bill on the ground that many cases of remarkable cures which were near the border line of fact, especially pilgrimages to famous resorts, would be affected by the measure if it became a law.

The Government's official representative was amazed and shocked at the credulity shown by his colleagues in declaring their faith in incantations, charms and similar things. He was especially severe on faith healers, who he said preyed on young girls in Germany. He tried his utmost to convince his hearers that there was no such thing as animal magnetism.

The majority, however, could not be brought to include the latter among the proscribed methods of healing. The Socialists were the strongest supporters of the Government in the matter of abolishing quackery.

## HIGH ROYALTIES FOR OPERA.

F. C. Whitney Pays \$25,000 for First Rights of "Rosenkavalier."

Special Cable Dispatch to THE SUN. LONDON, March 9.—F. C. Whitney, the American manager, has contracted to pay what is probably a record sum for the stage rights for the production of Richard Strauss's opera "Rosenkavalier," which was produced at Dresden on January 27. The contract, which was signed to-day, dates from June 1 of this year, with the option of an extension beyond the period of twelve months.

Strauss is to receive an initial payment of \$25,000, and his royalties for the year must not fall below that sum.

Whitney plans to present the opera in London during next June, when the English metropolis is jammed with visitors to the coronation ceremonies. The theatre has not been selected as yet but it will be the largest one that can be secured. The opera will be sung in English by English singers.

Strauss is to superintend the final rehearsals of the opera and the opening performance. Mr. Whitney does not expect to reap a profit from the English production but thinks that he will more than recover any losses by the American presentation.

Deputy Sheriff Katz has received two executions against the North American Wireless Corporation of 1 Madison avenue in favor of Joseph M. Gazzam for \$1,027 and Samuel E. Darby for \$803. He levied upon 578,315 shares of stock. Various companies of the par value of \$5,788,150, and was to have sold the right, title and interest of the company in these shares yesterday, but the sale was adjourned for two weeks. The stocks are: Radio Telephone Company, 110,173 shares; Atlantic Radio Company, 17,451; Pacific Radio Company, 7,019; Great Lakes Radio Telephone Company, 17,471; De Forest Radio Company, 1,081; and North American Wireless Corporation, 425,000 shares.

## COAT COLLAR WHITE WITH DANDRUFF

Scalp Badly Affected. Itched Terribly. Hair Fell Out. Used Cuticura Soap and Ointment. Now Has Thick Growth of Hair and Is Never Troubled with Any Dandruff or Itching of Scalp.

"I am more than gratified by the successful results I obtained by the use of the Cuticura Remedies. For several years my scalp was very badly affected with dandruff and scales. My scalp itched terribly at times and the hair fell out. I used Cuticura Soap and Ointment. I was pleased from the outset, and continued to keep up this treatment. To think that only three cakes of Cuticura Soap and one and one-half boxes of Cuticura Ointment did my hair in good condition, and was able to keep it in a position to try many lotions, etc., for the scalp. These had little or no effect. I had heard so much about the Cuticura Remedies that I resolved to try them. I shampooed my head with Cuticura Soap twice a week and after drying my head thoroughly, I anointed my hair in each case with Cuticura Ointment. I was pleased from the outset, and continued to keep up this treatment. 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